

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

MDL No. 1775

Master File 06-MD-1775 (JG) (VVP)

THIS DOCUMENT RELATES TO:
All Actions

**ORDER AUTHORIZING DISSEMINATION OF CLASS
NOTICE AND CLAIM FORM AND SCHEDULING HEARING FOR FINAL
APPROVAL OF PROPOSED SETTLEMENTS, APPLICATION FOR ATTORNEYS'
FEES AND EXPENSES, INCENTIVE AWARDS, AND
APPROVAL OF PLAN OF ALLOCATION**

THIS CAUSE came before the Court on Plaintiffs' Motion to Authorize Dissemination of Class Notice and Claim Form and to Schedule Fairness Hearing for Final Approval of Proposed Settlements, Application for Attorneys' Fees and Expenses, Incentive Awards, and Approval of Plan of Allocation, filed July 16, 2014.

On January 29, 2014, this Court entered an order granting preliminary approval to plaintiffs' settlements with Singapore Airlines Ltd, Singapore Airlines Cargo Pte Ltd. (the "Singapore Air Settlement") [Order, ECF No. 1980] and Korean Air Lines Co., Ltd. (the "Korean Air Settlement") [Order, ECF No. 1979]. On March 4, 2014, this Court entered an order granting preliminary approval to plaintiffs' settlement with Cathay Pacific Airways, Ltd. (the "Cathay Pacific Settlement") [Order, ECF No. 1992]. On May 16, 2014, this Court granted preliminary approval to plaintiffs' settlement with China Airlines, Ltd. (the "China Air Settlement") [Order, ECF No. 2017].

The Court, having reviewed the Motion and its accompanying memorandum, and the file, hereby:

ORDERS:

Notice to Potential Class Members

1. By Monday, September 8, 2014, Settlement Class Counsel shall cause copies of a Notice of Proposed Class Action Settlement, substantially in the form attached hereto as Exhibit 1, to begin to be mailed by first class mail, postage prepaid, to each potential class member whose address has been obtained from any present or former Defendant or from IATA (“the Notice Date”). For settlement class members who have not already submitted a valid claim in connection with the Second or Third Settlements (as described in Exhibit 1), the mailing shall also include a claim form, substantially in the form attached hereto as Exhibit 4. Settlement class members who have already submitted a valid claim form shall receive a letter in the form of Exhibit 3 along with the Notice.

2. As soon as practicable after the Notice Date, Settlement Class Counsel shall cause to be published a Publication Notice, substantially in the form attached hereto as Exhibit 2. The Publication Notice shall be published one time in each of the following publications: *Air Cargo World* (U.S. only); *Air Cargo Week*; *Cargonews Asia*; *International Transport Journal*; *American Shipper*; *Airport Press*; *American Journal of Transportation*; *Inbound Logistics*; *Logistics Management*; *Air Transport World*; *Wall Street Journal* (global edition). If, in the good-faith judgment of Settlement Class Counsel, timely publication in one or more of the listed publications is deemed impracticable after the issuance of this Order, appropriate changes may be made in consultation with the approved Claims Administrator.

3. On or before the Notice Date, Settlement Class Counsel shall cause the Notice to be published on the following website: www.Aircargo4settlement.com.

4. Prior to the Fairness Hearing (as defined herein), Settlement Class Counsel shall serve and file a sworn statement attesting to compliance with the provisions of paragraphs 1 through 3 of this Order.

5. As described in the Notice of Proposed Class Action Settlement, any Settlement Class Member may request exclusion from the Singapore Air Settlement Class, the Korean Air Settlement Class, the Cathay Pacific Settlement Class, and/or the China Air Settlement Class by notifying the Administrator at the address provided. A Settlement Class Member wishing to request exclusion shall mail a request in written form by first-class mail, postmarked no later than sixty (60) days after the Notice Date to the address of the Administrator designated in the Notice. The exclusion request must clearly state: (a) the Settlement Class Member's name, address, and telephone number; (b) all trade names or business names and addresses that the Settlement Class Member has used, as well as any subsidiaries or affiliates that have purchased Airfreight Shipping Services at any time during the dates January 1, 2000 to September 11, 2006 who are also requesting exclusion; (c) the name of the Action ("*In re Air Cargo Shipping Services Antitrust Litigation*"); and (d) a signed statement that the Settlement Class Member requests to be excluded from the Singapore Air Settlement Class, the Korean Air Settlement Class, the Cathay Pacific Settlement Class, and/or the China Air Settlement Class. The request for exclusion shall not be effective unless it provides the required information and is made within the time stated above. Persons or entities that request exclusion from a Settlement Class shall not be entitled to share in the benefits of the Settlement Agreement with respect to that settlement, nor shall they be bound by any judgment, whether favorable or adverse, entered in connection with such settlements.

The Fairness Hearing

6. A Fairness Hearing is hereby scheduled to be held on Friday, January 16, 2015, at 10:00 a.m. before the undersigned in Courtroom 6C South at 225 Cadman Plaza East, Brooklyn, New York, to consider the fairness, reasonableness and adequacy of the Singapore Air Settlement, the Korean Air Settlement, the Cathay Pacific Settlement, and/or the China Air Settlement, the request for attorneys' fees, litigation expenses, and incentive awards, and the Plan of Allocation for the distribution of the settlements.

7. All papers in support of final approval of the Singapore Air Settlement, the Korean Air Settlement, the Cathay Pacific Settlement, and the China Air Settlement, and any request for attorneys' fees and litigation expenses, incentive awards, and the Plan of Allocation shall be filed by December 1, 2014.

8. Any member of the Settlement Class that has not requested exclusion from the Singapore Air Settlement Class, the Korean Air Settlement Class, the Cathay Pacific Settlement Class, and/or the China Air Settlement Class in the manner set forth above may object to the fairness, reasonableness, and adequacy of any or all of the Settlement Agreements from which it has not requested exclusion, and/or the request for attorneys' fees and litigation expenses, and/or the request for incentive awards, and/or the Plan of Allocation; provided, however, that any person who wishes to object must, by Friday, December 26, 2014: (a) file with the Clerk of the Court a signed statement that indicates such person's objection, and its basis, with regard to any Settlement with respect to which that person wishes to object and includes proof of membership in the Settlement Class; and (b) serve copies of such statement, as well as any other papers or briefs that such person files with the Court, either in person or by mail, upon Settlement Class Counsel and Counsel for the relevant Settling Defendant(s).

9. In addition, any member of the Settlement Class that has not requested exclusion from the Singapore Air Settlement Class, the Korean Air Settlement Class, the Cathay Pacific Settlement Class, and/or the China Air Settlement Class in the manner set forth above may appear at the Fairness Hearing and be heard as to the fairness, reasonableness, and adequacy of any or all of the Settlement Agreements from which it has not requested exclusion, and/or a request for attorneys' fees and litigation expenses, and/or the request for incentive awards, and/or the Plan of Allocation; provided, however, that any person who wishes to be heard is encouraged to, by Friday, December 26, 2014: (a) file with the Clerk of the Court a signed statement that indicates such person's position, and its basis, with regard to any Settlement with respect to which that person wishes to be heard, and includes proof of membership in the Settlement Class; and (b) serve copies of such statement, as well as any other papers or briefs that such person files with the Court, either in person or by mail, upon Settlement Class Counsel and Counsel for the relevant Settling Defendant(s).

10. The date of the Fairness Hearing shall be set forth in the Notice and Publication Notice, but shall be subject to adjournment by the Court without further notice to the members of the Settlement Class other than that which may be posted at the Court and on the Court's website.

11. If any provision of this Order conflicts with a provision of any of the Preliminary Approval Orders, the provisions of this Order shall govern.

So ordered.

John Gleeson, U.S.D.J.

Dated: August 22, 2014
Brooklyn, New York

Conformed copies furnished to:
Counsel of Record